

No. 71-1017

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ROBERT SEAGER

In the Supreme Court of the United States

OCTOBER TERM, 1971

SENATOR MIKE GRAVEL, PETITIONER

v.

UNITED STATES OF AMERICA

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR
THE FIRST CIRCUIT**

MEMORANDUM FOR THE UNITED STATES

**ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D. C. 20530.**

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MEMORANDUM FOR THE UNITED STATES

The court of appeals has rendered an important decision concerning the scope of the Speech or Debate Clause which warrants plenary review by this Court. As we pointed out in our opposition to the stay, we believe the court below correctly decided that republication is not protected by the Clause, the principal issue raised in the instant petition. Nevertheless, we are concerned by several other aspects of the decision—namely the granting of blanket protection under the Clause to legislative aides and, although in less

sweeping terms; the extension of the protection of the privilege to third parties. We have filed a petition for a writ of certiorari seeking review of these portions of the court's judgment as well as of its ruling granting a common law privilege to legislative aides.

Because of the manifest importance of the case, we urge that the Court grant both petitions in order that all aspects of the decision below may be reviewed here.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1972.

